

H-8221

1 Amend the amendment, H-8210, to House File 2455 as
2 follows:

3 1. By striking page 1, line 3, through page 6, line
4 2, and inserting:

5 <DIVISION ____
6 MISCELLANEOUS PROVISIONS — COLLECTIVE BARGAINING
7 ARBITRATION

8 Sec. ____ . Section 20.22, subsections 3, 6, 7, 9,
9 10, and 11, Code 2016, are amended to read as follows:

10 3. The submission of the impasse items to the
11 arbitrator shall be limited to those items upon which
12 the parties have not reached agreement. ~~With~~ However,
13 with respect to each such item, the arbitrator's
14 award shall not be restricted to the final offers on
15 each impasse item submitted by the parties to the
16 arbitrator.

17 6. From the time the board notifies the arbitrator
18 of the selection of the arbitrator until such time as
19 the arbitrator's ~~selection~~ decision on each impasse
20 item is made, there shall be no discussion concerning
21 recommendations for settlement of the dispute by the
22 arbitrator with parties other than those who are direct
23 parties to the dispute.

24 7. The arbitrator shall consider, and may consider
25 additional information presented by either party, in
26 addition to any other relevant factors, the following
27 factors:

28 ~~a. Past collective bargaining contracts between the~~
29 ~~parties including the bargaining that led up to such~~
30 ~~contracts.~~

31 ~~b.~~ a. Comparison of wages, benefits, hours,
32 and conditions of employment of the involved public
33 employees with those of other public employees,
34 including public employees not represented by an
35 employee organization, and with private sector

1 employees doing comparable work, giving consideration
2 to factors peculiar to the area and the classifications
3 involved. In considering this comparison, the
4 arbitrator shall strive to maintain parity in wages,
5 benefits, hours, and conditions of employment between
6 the public sector and the private sector for comparable
7 types of work, and shall give consideration to similar
8 and equitable economic conditions where applicable.

9 ~~c.~~ b. The interests and welfare of the public,
10 the ability of the public employer to finance economic
11 adjustments without raising any tax, and the effect of
12 such adjustments on the normal standard of services.

13 ~~d.~~ ~~The power of the public employer to levy~~
14 ~~taxes and appropriate funds for the conduct of its~~
15 ~~operations.~~

16 c. Efficiency of the public employer in its ability
17 to carry out any of its functions.

18 9. The arbitrator shall ~~select~~ render a decision
19 within fifteen days after the hearing ~~the most~~
20 ~~reasonable offer, in the arbitrator's judgment, of the~~
21 ~~final offers on~~ consisting of final terms for each
22 impasse item submitted by the parties. The arbitrator
23 may select one of the final offers on each impasse item
24 submitted by the parties or the arbitrator may make an
25 award which does not go beyond the terms of a final
26 offer for any impasse item submitted by the parties.

27 10. The ~~selections~~ decisions by the arbitrator
28 and items agreed upon by the public employer and
29 the employee organization, shall be deemed to be the
30 collective bargaining agreement between the parties.

31 11. The ~~determination~~ decisions of the arbitrator
32 shall be final and binding subject to the provisions of
33 section 20.17, subsection 6. The arbitrator shall give
34 written explanation for the arbitrator's ~~selections~~
35 decision regarding the final terms for each impasse

1 item and inform the parties of the decision.

2 Sec. ____ . APPLICABILITY. This division of this Act
3 applies to collective bargaining agreements entered
4 into on or after the effective date of this division
5 of this Act.

6 DIVISION ____

7 MISCELLANEOUS PROVISIONS — WAGE DISCRIMINATION

8 Sec. ____ . ADDITIONAL UNFAIR OR DISCRIMINATORY
9 PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.

10 1. As stated in chapter 216, the general assembly
11 finds that the practice of discriminating against any
12 employee because of the age, race, creed, color, sex,
13 sexual orientation, gender identity, national origin,
14 religion, or disability of such employee by paying
15 wages to such employee at a rate less than the rate
16 paid to other employees does all of the following:

17 a. Unjustly discriminates against the person
18 receiving the lesser rate.

19 b. Leads to low employee morale, high turnover, and
20 frequent labor unrest.

21 c. Discourages employees paid at lesser wage rates
22 from training for higher level jobs.

23 d. Curtails employment opportunities, decreases
24 employees' mobility, and increases labor costs.

25 e. Impairs purchasing power and threatens the
26 maintenance of an adequate standard of living by such
27 employees and their families.

28 f. Prevents optimum utilization of the state's
29 available labor resources.

30 g. Threatens the well-being of citizens of this
31 state and adversely affects the general welfare.

32 2. As stated in section 216.6A, it remains
33 unfair or discriminatory practice for any employer
34 or agent of any employer to discriminate against
35 any employee because of the age, race, creed, color,

1 sex, sexual orientation, gender identity, national
2 origin, religion, or disability of such employee by
3 paying wages to such employee at a rate less than the
4 rate paid to other employees who are employed within
5 the same establishment for equal work on jobs, the
6 performance of which requires equal skill, effort, and
7 responsibility, and which are performed under similar
8 working conditions. As also stated in section 216.6A,
9 an employer or agent of an employer who is paying wages
10 to an employee at a rate less than the rate paid to
11 other employees in violation of this section shall not
12 remedy the violation by reducing the wage rate of any
13 employee.>
14 2. By renumbering as necessary.

FORRISTALL of Pottawattamie